

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LAQUENTA MONTANEZ and SERGIO MONTANEZ, Individually and on Behalf of Themselves and Others Similarly Situated,	:	CIVIL ACTION
	:	
	:	
	:	
Plaintiffs,	:	NO. 2:11-cv-4074-JD
	:	
v.	:	
	:	
HSBC MORTGAGE CORPORATION (USA) and HSBC MORTGAGE SERVICES, INC.,	:	
	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 17th day of July, 2012, upon consideration of Motion to Dismiss First Amended Class Action Complaint by Defendant HSBC Mortgage Corporation (USA) (Document No. 54, filed December 30, 2011), Defendant HSBC Mortgage Services, Inc.'s Motion to Dismiss First Amended Class Action Complaint and Notice of Joinder in Motion to Dismiss First Amended Class Action Complaint of Defendant HSBC Mortgage Corporation (USA) (Document No. 56, filed December 30, 2011), and the related submissions of the parties, for the reasons set forth in the Memorandum dated July 17, 2012, **IT IS ORDERED** as follows:

1. Defendant HSBC Mortgage Services, Inc.'s Motion to Dismiss First Amended Class Action Complaint and Notice of Joinder in Motion to Dismiss First Amended Class Action Complaint of Defendant HSBC Mortgage Corporation (USA) is **GRANTED** and all claims against HSBC Mortgage Services, Inc. are **DISMISSED**.

2. Motion to Dismiss First Amended Class Action Complaint by Defendant HSBC Mortgage Corporation (USA) is **GRANTED IN PART AND DENIED IN PART** as follows:

a. That part of the Motion to Dismiss First Amended Class Action Complaint by Defendant HSBC Mortgage Corporation (USA) seeking to dismiss Count II, a claim for breach of contract, is **DENIED**.

b. That part of the Motion to Dismiss First Amended Class Action Complaint by Defendant HSBC Mortgage Corporation (USA) seeking to dismiss Count III, a claim for unjust enrichment, and Count IV, a claim under the Pennsylvania Unfair Trade Practices and Consumer Protection Law, is **GRANTED**. Counts III and IV, as asserted against HSBC Mortgage Corporation (USA) are **DISMISSED**.

IT IS FURTHER ORDERED that all rulings in this Order are **WITHOUT PREJUDICE** to plaintiffs' right to file, within twenty (20) days, a Second Amended Class Action Complaint consistent with this Order and the Memorandum dated July 17, 2012, if warranted by the facts.

IT IS FURTHER ORDERED that a telephone conference to schedule further proceedings will be held in due course.

BY THE COURT:

/s/ Hon. Jan E. DuBois

JAN E. DUBOIS, J.